

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANNIE TUMMINO, *et al.*,

Plaintiffs,

-against-

MARGARET HAMBURG, *et al.*,

Defendants.

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JUDGMENT  
12-CV- 0763 (ERK)

A Memorandum and Order of Honorable Edward R. Korman, United States District Judge, having been filed April 5, 2013, granting Plaintiffs' motion for summary judgment; denying Defendants' cross-motion for summary judgment; reversing the decision of the Food and Drug Administration denying the Citizen Petition, and remanding the case to the Food and Drug Administration with the instruction to grant the Citizen Petition and make levonorgestrel-based emergency contraceptives available without a prescription and without point-of-sale or age restrictions within thirty days; ordering that on remand, the Food and Drug Administration determine whether any new labeling is reasonably necessary; and moreover, if the Food and Drug Administration actually believes there is any significant differences between the one- and two-pill products, it may limit its over-the-counter approval to the one-pill product; it is

ORDERED and ADJUDGED that Plaintiffs' motion for summary judgment is granted; that Defendants' cross-motion for summary judgment is denied; that the decision of the Food and Drug Administration denying the Citizen Petition is reversed, and the case is remanded to the Food and Drug Administration with the instruction to grant the Citizen Petition and make

JUDGMENT 12-CV-0763 (ERK)

levonorgestrel-based emergency contraceptives available without a prescription and without point-of-sale or age restrictions within thirty days; that on remand, the Food and Drug Administration may determine whether any new labeling is reasonably necessary; and that moreover, if the Food and Drug Administration actually believes there is any significant difference between the one-and two-pill products, may limit its over-the-counter approval to the one-pill product.

Dated: Brooklyn, New York  
April 10, 2013

Douglas C. Palmer  
Clerk of Court

by:

Michele Gapinski  
Chief Deputy for  
Court Operations